



OPEN RIGHTS GROUP

Election Observer Handbook

May 2008 Elections

Prepared by:

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Introduction

This handbook aims to provide observers with a framework on which to base their election observation activities. This handbook does not aim to provide comprehensive information on e-counting technologies or electoral procedures. What it does do is provide some background and context along with questions that will guide observers without, we hope, being prescriptive.

This handbook also outlines the conduct the Open Rights Group expects from their election observers. The conduct guidelines are based on international standards and the requirements of UK electoral law.

For a more detailed overview of e-voting and e-counting please read the Open Rights Group briefing pack available online at <http://www.openrightsgroup.org/e-voting-main/e-voting-briefing-pack/>

The Basic Principles of Voting

When observing an election it is important to understand the fundamentals on which all free and fair elections must be based. These principles are enshrined in law and binding treaties, for example, the European Convention on Human Rights (in UK law as the Human Rights Act 1998) states that:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

From such treaties we can derive three basic principles of voting:

- Each person wanting to vote must be identified as an eligible voter and be permitted to complete no more than the correct number of ballot papers during a particular election.
- Verification, tally and audit must be allowed to ensure that only valid votes are received and counted in a transparent system that allows for scrutiny by voters and candidates.
- Electors have to keep their vote secret, so that even when counted, which vote was

cast by which elector is unknowable.

These principles protect voters from coercion and intimidation, protect the system from fraud and ensure that all candidates and voters can be confident in the election results.

Key Risks for Voting Technologies

When observing new technologies being used in an election a new set of potential risks to the election's integrity must be examined. These new potential risks are in addition to existing risks to the electoral system such as problems with electoral registration.

1. The possibility that the system fails because of bad design, errors etc (technical breakdown);
2. The possibility of manipulation (e.g. hacking) from the outside;
3. The possibility of manipulation from inside;
4. The possibility of impersonation with Internet voting;
5. The possibility of intimidation and the lack of secrecy with Internet voting.

(Source: Vollan)

Conduct of Observers

Through independent monitoring and reporting of how elections are run, observation aims to support and protect free and fair elections. To be able to view sensitive election procedures observers must have impeccable conduct which upholds their politically neutral status.

Golden Rules for Election Observers

The findings from an election observation mission have no legal weight. Their power is dependent on their accuracy, impartiality and respect for elections. Following these golden rules will ensure our observation results have maximum impact.

- **Accuracy of information**
Ensure the information you record is detailed and accurate.
- **Political impartiality**
Never say, wear or do anything which can be construed as favouring any political party, candidate or issue.
- **Respect election law and election integrity**
Never obstruct the election process or violate the secrecy of the ballot.
- **Respect the observation mission's terms of reference**

Terms of Reference

The terms of reference for May 2008 Open Rights Group observation teams are as follows:

- To evaluate the integrity of technologies and processes used in the electronic count.
- To examine whether the electronic count might increase the risk of electoral fraud or error.
- To observe whether the electronic count risks the secrecy of the ballot.
- To collect the views of voters, candidates and officials on the schemes piloted.

Your Conduct

It is imperative that you maintain a calm, collected and responsible manner at all times. If you notice a problem, note it and then politely report the matter to an election official. You have no power to overrule an official's actions or orders. Do not try to take an active role in

resolving disputes or complaints, even if asked to — you are there to observe. Note any complaints or disputes with names and contact details of participants wherever possible.

At all times be careful not to compromise or appear to compromise the secrecy of people's votes. Under no circumstances should you handle official election documents or participate in the counting process. **Do not touch any equipment used in the election such as servers or scanners.**

You do have a right to observe voting in polling stations and the vote count, as long as you do not breach the peace. Introduce yourself to the chairperson or returning officer along with your accreditation card. Be polite but firm in asserting these rights. However if you are refused entry or information do not ignore the refusal but do note down the details and report it to us.

London Elects have let ORG know that cameras will be allowed in the count centres, but that no photos should be taken of ballot papers or images of ballot papers. Dictaphones will be allowed for personal use only – ie to take notes, but not to conduct interviews. Laptops will not be permitted in the count centre. To assist with any security checks we recommend carrying additional photo identification such as an EU driving license or passport but under law they are not required.

Be careful! Please do not make comments or conclusions about your observations to the media, candidates or the general public before the entire ORG observer team have had a chance to evaluate our findings and formulate our conclusions. You can explain the nature of the observation mission and your activities to the media but otherwise refer media to the contacts below.

If you experience any problems or are unsure how to proceed please contact one of the following in order of priority:

Becky Hogge — 07967 331 184

Louise Ferguson — 07810 260 637

Ian Brown — 07970 164 526

Executive Director & Head of Observation Mission

Chair

Advisory Council Member



Observing Electronic Counting

All votes for the Mayor of London and for London Assembly Members will be e-counted in this May's elections, using commercial off the shelf (COTS) equipment. London Elects, the body that runs the London elections, invited Open Rights Group members to view its systems in November 2007. In January 2008, London Elects invited us to meet their technical team, and discuss their plans to audit their systems. We were impressed with the consideration London Elects had given to system security - a marked contrast to many of the e-voting and e-counting pilots we saw during last year's observation mission. London Elects have hired-in two independent consultancy firms to audit both their own processes and the source code of some of the software used to count the votes. However, they have stopped short of including a sample manual recount of e-counted ballots in their process on the night.

COTS equipment is easier to examine and find specifications for. However it is also easier to access for example through standardised USB or network connections. It is usually difficult to find information about specialised vote scanners making it harder to detect flaws. Court cases in the United States, where e-counting is widespread, have shown that without careful manual checks of paper ballots, e-counting systems can undetectably produce systematic errors or fraud. Only counting the original ballot papers can catch such problems, which US experience has shown can be caused by printing errors, stacking papers in a certain way or software manipulation.

In the May 2008 elections, the scanners will take bitmap images of the ballots and send these to a Windows computer for processing by image recognition software. Please ask how those bitmaps are stored and transferred in the computer systems. Also be curious as to how the accuracy of the image recognition software is ascertained and monitored.

Key Points for Observation

Before Polling

A demonstration for elections observers of e-counting systems has been scheduled by London Elects on 29 April. It will take place at City Hall.

- Was there any demonstration of the systems for the public and/or candidates before the elections?
- Were you invited or able to attend a demonstration?
- Note what happened when you tried to or did attend a demonstration.



- Who designed the ballot papers? How was the design agreed upon?
- Who printed the ballot papers? How are ballots packaged, numbered and tracked?
- What features are on the papers to preserve ballot integrity for example preventing copying or counterfeit papers?

During Polling

- If registered to vote in the area, note your own experience.
- Talk to voters — but NOT when voting.
- Talk to candidates and their agents — how has e-counting affected their campaigning? Has it been an issue on the doorstep?
- Check that voters find it easy to fill out the specially designed ballot papers. Are there any implications from the ballot paper design which might influence their use? For example could the layout significantly favour one candidate over others?
- Do voters understand how their votes will be counted?
- Any questions or problems occurred?
- If possible, try to observe the opening and, more importantly, the closing of a polling station. As the poll is closing ensure surplus ballots are kept separate, the ballot boxes are properly secured and that voter records are not tampered with.
- Observe if polling staff have been adequately trained to respond to questions about the use of e-counting. Ask staff if they feel they have received adequate training.

During Counting

- How were ballot papers transported to the count centre?
- Were the ballot papers stored before opening and counting?
- How were the ballot papers stacked? Who did this?
- Could candidates scrutinise the scanning process and if so were they happy with what they could see?
- How were results collated?
- Were there any opportunities for unauthorised access to systems or their network connections? For example did the scanners or PCs have USB ports accessible or spare network sockets?
- Were any of the results challenged? Did this result in a recount? If so, how was this done?

- Does the number of electors marked as having voted match the number of votes cast?
- Note the counting procedures used and the results given.
- Observe if staff have been adequately trained to be confident in the e-count procedures and using the equipment.

Your Report Back to ORG

Your report should be completed and returned to Becky Hogge, becky@openrightsgroup.org by **Monday 12 May**. We will then produce a final report based on your reports, which we will publish in June. This report will be submitted as evidence to the Electoral Commission, Ministry of Justice and the Committee on Standards in Public Life.

Without your report the time you have spent observing will have been wasted. So please take good notes and write them up as soon as possible, while still fresh in your mind.

Please include in your report:

- All places visited with times and dates of visits.
- Notes on what was observed, whether perceived as normal or not.
- Views of voters, candidates, officials spoken to.
- Photographs of the observer team in your area (but remember no cameras are allowed in polling stations or count centres unless we tell you permission has been granted).

Resources and References

These have been provided in their order of usefulness to your May 2008 observation task. So if you have limited time read only the first link and so on if you have more time.

London Elects *Factsheet 7: E-counting in the London Elections*

<http://www.londonelects.org.uk/pdf/FS7-E-counting.pdf>

Open Rights Group *e-Voting Briefing Pack*

<http://www.openrightsgroup.org/e-voting-main/e-voting-briefing-pack/>

Open Rights Group *May 2007 Election Report*

http://www.openrightsgroup.org/wp-content/uploads/org_election_report.pdf

OSCE ODIHR *Election Observation Handbook*, 5th Ed

http://www.osce.org/publications/odihhr/2005/04/14004_240_en.pdf

Electoral Commission/ London Elects *Handbook for polling station staff*

http://www.electoralcommission.org.uk/files/dms/Handbook_London_web_optimised_28323-20827__E__.pdf

United Nations Declaration of Principles for International Election Observation and Code of Conduct For International Election Observers

http://www.accessdemocracy.org/library/1923_declaration_102705.pdf

Handbook for European Union Election Observation Missions

http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf

Vollan, Kåre, *Observing Electronic Voting*

<http://www.humanrights.uio.no/forskning/publ/nr/2005/1505.pdf>

Krimmer, Rober & Volkamer, Melanie, *Observing Threats to Voter's Anonymity: Election Observation of Electronic Voting*

<http://static.twoday.net/evoting/files/Working-Paper-1-2006.pdf>

Thank you for volunteering to spend your time watching over our democracy!

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